



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

May 22, 2019

The Honorable Katie Hobbs
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on May 22nd, 2019:

H.B. 2123 TPT; distribution; community college districts.. (Udall)
H.B. 2133 voter registration; updates; internet address (Thorpe)
H.B. 2467 committees; west basin water users (Cobb)
H.B. 2480 setting aside judgment; felony offense (Bowers)
H.B. 2639 timeshares; disclosures (Bolick)
S.B. 1154 primary date; first August Tuesday (Gowan)
S.B. 1161 school facilities; revisions (Borrelli)
S.B. 1185 weights and measures; licensing periods (Pratt)
S.B. 1235 possessory improvements; government property; assessment (Mesnard)
S.B. 1297 genetic testing information; confidentiality; exceptions (Brophy-McGee)
S.B. 1349 family college savings program (Livingston)

Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed Senate Bill

FILED

KATIE HOBBS

SECRETARY OF STATE

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 250
SENATE BILL 1297

AN ACT

AMENDING SECTIONS 12-2802 AND 20-448.02, ARIZONA REVISED STATUTES;
RELATING TO GENETIC TESTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 12-2802, Arizona Revised Statutes, is amended to read:

12-2802. Confidentiality of genetic testing results;
disclosure

A. Except as otherwise provided in this article, genetic testing and information derived from genetic testing are confidential and considered privileged to the person tested and shall be released only AS AUTHORIZED BY STATE OR FEDERAL LAW, INCLUDING THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT PRIVACY STANDARDS (45 CODE OF FEDERAL REGULATIONS PART 160 AND PART 164, SUBPART E), OR to:

1. The person tested.

2. Any person who is specifically authorized in writing by the person tested or by that person's health care decision maker to receive this information.

3. The health care decision maker of the person tested.

4. A researcher for medical research or public health purposes only if the research is conducted pursuant to applicable federal or state laws and regulations governing clinical and biological research or if the identity of the individual providing the sample is not disclosed to the person collecting and conducting the research.

5. A third person if approved by a human subjects review committee or a human ethics committee, with respect to persons who are subject to an Arizona cancer registry.

~~6. An authorized agent or employee of a health care provider if all of the following are true:~~

~~(a) The health care provider performs the test or is authorized to obtain the test results by the person tested for the purposes of genetic counseling or treatment.~~

~~(b) The agent or employee provides patient care, treatment or counseling.~~

~~(c) The agent or employee needs to know the information in order to conduct the test or provide patient care, treatment or counseling.~~

6. A HEALTH CARE PROVIDER WHO IS PROVIDING CARE TO THE PERSON TESTED AND AN AGENT OR EMPLOYEE OF THE HEALTH CARE PROVIDER.

7. A health care provider that procures, processes, distributes or uses:

(a) A human body part from a deceased person with respect to medical information regarding that person.

(b) Semen or ova for the purpose of artificial insemination.

8. A health care provider to conduct utilization review, peer review and quality assurance pursuant to section 36-441, 36-445, 36-2402 or 36-2917.

1 9. The authorized agent of a federal, state or county health
2 department to conduct activities specifically authorized pursuant to the
3 laws of this state for the birth defects registry, children's
4 rehabilitative services, newborn screening and sickle cell diagnosis and
5 treatment programs and chronic, environmentally provoked and infectious
6 disease programs.

7 10. To obtain legal advice, the legal representative of a health
8 care provider OR CLINICAL LABORATORY that is in possession of the medical
9 record.

10 ~~11. A health care provider that assumes the responsibility to~~
11 ~~provide care for, or consultation to, the patient from another health care~~
12 ~~provider that had access to the patient's genetic records.~~

13 B. A PATHOLOGIST WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13
14 OR 17 MAY ORDER AND PERFORM GENETIC TESTING FOR A PATIENT AND RECEIVE THE
15 RESULTS OF THAT TESTING.

16 ~~B.~~ C. A person shall not disclose or be compelled to disclose the
17 identity of any person on whom a genetic test is performed or the results
18 of a genetic test in a manner that allows identification of the person
19 tested except to the persons specified in the circumstances set forth in
20 subsection A of this section.

21 ~~C.~~ D. If genetic testing information is subpoenaed, a health care
22 provider shall respond pursuant to section 12-2294.01, subsection E. In
23 determining whether to order production of the genetic testing
24 information, the court shall take all steps necessary to prevent the
25 disclosure or dissemination of that information.

26 ~~D.~~ E. Except as provided in this section, chapter 13, article 7.1
27 of this title does not apply to genetic testing information that is
28 contained within a patient's medical record.

29 ~~E.~~ F. Following the death of a person who had genetic testing
30 performed, the release of the testing information is governed by section
31 12-2294, subsection D, except that the person may deny, release or limit
32 release of the genetic testing results by adopting a provision in a
33 testamentary document.

34 ~~F.~~ G. Except as specifically provided in this article, a person to
35 whom test results have been disclosed pursuant to this article, other than
36 the person tested, shall not disclose the test results to any other
37 person.

38 ~~G.~~ H. A health care provider and the provider's agents and
39 employees that act in good faith and that comply with this article are not
40 subject to civil liability. The good faith of a health care provider that
41 complies with this article is presumed. The presumption may be rebutted
42 by a preponderance of the evidence.

43 ~~H.~~ I. This article does not limit the effect of title 20
44 provisions governing the confidentiality and use of genetic testing
45 information.

1 Sec. 2. Section 20-448.02, Arizona Revised Statutes, is amended to
2 read:

3 20-448.02. Genetic testing; informed consent; definitions

4 A. Except as otherwise specifically authorized or required by this
5 state or by federal law, a person shall not order or require the
6 performance of a genetic test without first receiving the specific written
7 informed consent of the subject of the test who has the capacity to
8 consent or, if the person subject to the test lacks the capacity to
9 consent, of a person authorized pursuant to law to consent for that
10 person. Written consent shall be in a form prescribed by the director.
11 EXCEPT AS AUTHORIZED IN SECTION 12-2802, the results of a genetic test
12 performed are privileged and confidential and may not be released to any
13 party without the express consent of the subject of the test or the person
14 authorized pursuant to law to consent for that person.

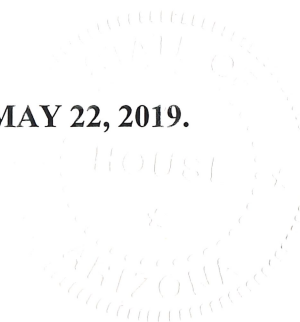
15 B. For the purposes of this section:

16 1. "Gene products" means gene fragments, nucleic acids or proteins
17 derived from deoxyribonucleic acids that would be a reflection of or
18 indicate DNA sequence information.

19 2. "Genetic test" means an analysis of an individual's DNA, gene
20 products or chromosomes that indicates a propensity for or susceptibility
21 to illness, disease, impairment or other disorders, whether physical or
22 mental, or that demonstrates genetic or chromosomal damage due to
23 environmental factors, or carrier status for a disease or disorder.

APPROVED BY THE GOVERNOR MAY 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2019.



Passed the House April 24, 20 19,

by the following vote: 11 Ayes,

47 Nays, 2 Not Voting

FAILED

Speaker of the House

Jim Drake
Chief Clerk of the House

Passed the Senate February 28, 20 19,

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

Karen Fann
President of the Senate

Susan O'Leary
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1297

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

Passed the House May 7, 20 19

by the following vote: 56 Ayes,

1 Nays, 3 Not Voting

W. R. Boyce
Speaker of the House

☒ Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate _____, 20____

by the following vote: _____ Ayes,

_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

S.B. 1297

SENATE CONCURS IN-HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 16, 20 19

by the following vote: 23 Ayes,

3 Nays, 4 Not Voting

Karen Farn
President of the Senate

Susan Owens
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

16th day of May, 20 19

at 11:18 o'clock A M.

Ryan D. [Signature]
Secretary to the Governor

Approved this 22nd day of

May 2019

at 2:42 o'clock P M.

Douglas D. [Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 22 day of May, 20 19

at 4:01 o'clock P. M.

[Signature]
Secretary of State